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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,310	07/21/2006	Nigel Titchener	107748	5035
28020	7590	10/05/2007	EXAMINER	
GRAY, PLANT, MOOTY, MOOTY & BENNETT, P.A. P.O. BOX 2906 MINNEAPOLIS, MN 55402-0906			BRAHAN, THOMAS J	
			ART UNIT	PAPER NUMBER
			3654	
			MAIL DATE	DELIVERY MODE
			10/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,310

Applicant(s)

TITCHENER ET AL.

Examiner

Thomas J. Brahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 4 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/27/06</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

3. Claims 14, 15, 18 and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Born. Born shows a method of enhancing safety of a stairlift installation comprising a rail (27) extending between upper end and lower ends of a staircase, a carriage (platform 19) moveable along the rail, and carriage operating controls remote from the carriage, the method comprising: providing a proximity sensor (senor mats 98) to disable the carriage operating control when a person is proximate the carriage. The proximity sensors are mounted proximate the carriage, at the boarding areas, as recited in claims 15 and 19.

4. Claims 25-27 are rejected under 35 U.S.C. § 102(e) as being anticipated by Muranaka. Muranaka shows a stairlift assembly including: a rail (3); a carriage (7) movably mounted on the rail; a chair (4) mounted on the carriage; at least one user operable control (5) to cause movement of the carriage along the rail; and an occupancy sensor (23) to sense the presence of a user seated in the chair and to activate the user operable control only when a user is seated in the chair. The occupancy sensor comprises a load sensor, incorporated in the chair, as recited in claim 26. The sensor can be considered as incorporated in the carriage, as recited in claim 27, as the entire moving device, or at least the part

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with the sensor, can be considered as the carriage.


5. Claims 14-16 and 18-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Muranaka in view of Born. Muranaka shows a stair climbing chair system. It varies from the claims by not having proximity sensors. Born shows a similar stair device with proximity sensors in the form of mats at the approaches to the lift. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to provide the stair climbing chair of Muranaka with proximity sensing mats, to disable the chair from moving as the rider approaches and boards the chair, as taught by Born. Muranaka has an occupancy sensor (23) to sense when a load is applied to the chair, as recited in claims 16 and 20.

6. Claims 17 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Muranaka in view of Born, as applied above to claim 16, and further in view of Tremblay et al. Muranaka, as modified, shows the basic claimed stair climbing chair system. It varies from the claims by not having a folding seat with a sensor. Tremblay et al shows a similar stair device with folding chair and a safety interlock. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to provide the stair climbing chair of Muranaka with folding seat, to occupy less space when unused, and with a safety interlock, for locking the seat and disabling the chairlift operations, as taught by Tremblay et al.

7. Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Born. Using a capacitance type proximity sensor would have been an obvious design consideration which would not have been beyond the limits of one of ordinary skill in this art at the time the invention was made by applicant.

8. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Mr. Peter Cuomo, can be reached at (571) 272-6856. The fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Thomas J. Brahan
Primary Examiner
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